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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,991	04/13/2004	Christopher J. Diorio	IMPJ-0085	4991
49684	7590	02/23/2006	EXAMINER	
THELEN REID & PRIEST LLP			MEHMOOD, JENNIFER	
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SAN JOSE, CA 95164-0640				

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,991

Applicant(s)

DIORIO ET AL.

Examiner

Jennifer A. Mehmood

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-83 is/are pending in the application.
- 4a) Of the above claim(s) 22-41 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 42, 43, 52-54 and 60-72 is/are rejected.
- 7) ☒ Claim(s) 11-21, 44-51, 55-59 and 73-83 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/27/04; 12/22/04; 8/16/05; 11/03/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "can be" is indefinite and should be changed to "is".

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 6, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (EP 0 681 192).

For claim 1, Meier discloses an RFID tag (Fig. 1, item 14; page 6, lines 50-52) comprising: a decoder for decoding (Fig. 1, item 40; pg 7, lns 33-35; pg 8, lns 37 and 38) a first received wireless signal subject to a reception bandwidth setting (pg 2, lns 3-7); and a selector switch for transitioning from the first setting to a second different setting responsive to the first decoded signal to control further decoding by the decoder of a second subsequently received second signal (pg 4, lns 28-37, 46, 47, 58; pg 5, lns

Art Unit: 2636

1-10 and 31-35). Even though Meier does not specifically disclose that decoding is performed on each of the first and second signals individually, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to decode each of the first and second wireless signals so that the receiver is able to interpret and recognize the signal. In addition, Meier discloses that the bandwidth setting selector switch is located on the interrogator (Fig. 1, items 50, 50a) and not the tag; however, it would have been obvious that the tag is also subject to communication signals of the interrogator via bi-directional communication, thus, it would have been obvious to also include a selector switch on the tag in order to interpret and distinguish between a first and second decoded signal.

For claim 2, Meier discloses a filter, and wherein the selector switch adjusts a bandwidth of the filter (pg 4, lns 28-37; Fig. Fig. 1, item 64).

For claim 5, Meier discloses the bandwidth is adjustable continuously over a range (pg 2, lns 56-58; pg 3, lns 1, 2, 34-44).

For claim 6, Meier discloses the filter includes at least two of a capacitance, one each of an inductance and resistance, and at least one of the capacitance and resistance can be switched on and off (Fig. 1, items 52a, 52, 50a, 50, 32, and 30, 51). Meier, however, does not disclose a second resistance and inductance; however, it would have been obvious to include a second resistance and inductance depending on design requirements and to facilitate operability of the design.

For claim 8, Meier discloses a resonator filter (pg 3, lns 1,2; pg 4, lns 15-17; Fig. 1, item 34).

For claim 9, Meier discloses a plurality of filters (Fig. 1, item 48, 52a, 52, 50, 50a) in possible paths of the received signal, and wherein the selector switch routes the received first and second signal through different ones of the paths (pg 4, ln 58; col 5, lns 1-5).

For claim 10, the decoder is adapted to generate a decoded signal responsive to decoding the first signal, and the selector switch is adapted to transition to the different setting responsive to the first decoded signal (pg 2, lns 5-7, 55-58; pg 4, ln 58; pg 5, lns 1-3; col 6, lns 25-30).

3. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (EP 0 681 192) as applied to claim 2 above, and further in view of Marneweck et al. (US 2001/0010491).

Meier discloses neither an active nor passive filter; however, Marneweck discloses a low pass filter that is either active or passive (paragraph 0001, lns 1-4; parag 0006, last 2 lines; Fig. 1, item 130). It would have been obvious to choose either an active filter for continuous filtering activity or a passive filter for reducing power drain on a battery, depending on particular design requirements.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (EP 0 681 192) as applied to claim 2 above, and further in view of Trontelj (US 6,208,235).

Meier discloses the filter includes a capacitor and a switch, but the switch is not disclosed at a variable rate (Fig. 1, items 50, 50a, 52, 52a). However, Trontelj discloses a variable rate switch (Fig. 2A, item 34; col 9, lns 10-32). It would have been obvious to

disclose a variable rate switch in order to reduce voltages. In turn, reduced voltages decreases the possibility of equipment failure.

5. Claims 42, 43, 52-54, 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (EP 0 681 192).

For claim 42, Meier discloses a method for an RFID tag (Fig. 1, item 14; page 6, lines 50-52), comprising: receiving a first wireless signal; decoding (Fig. 1, item 40; pg 7, lns 33-35; pg 8, lns 37 and 38) the first signal subject to a first reception bandwidth setting (pg 2, lns 3-7); transitioning to a second reception bandwidth setting different from the first setting (pg 4, lns 15-17, 28-37; 46-48); receiving a second wireless signal; and decoding the second signal subject to the second setting (pg 5, lns 1-3; pg 6, lns 20-22 and 29, 30). Even though Meier does not specifically disclose that decoding is performed on each of the first and second signals individually, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to decode each of the first and second wireless signals so that the receiver is able to interpret and recognize the signal.

For claim 43, transitioning is performed responsive to the first decoded signal (pg 2, lns 55-58; pg 3, lns 1,2, 21-26).

For claim 52, Meier discloses a plurality of reception bandwidth settings are provided, and the second setting is the one of the plurality that is associated with the largest available reception bandwidth (pg 2, lns 55-58; pg 4, lns 28-37).

For claim 53, Meier does not quantify the bandwidth setting; however, it would have been obvious to specify a particular frequency depending on design requirements and optimal equipment performance.

For claim 54, Meier does not disclose first and second setting dependency; however, it would have been obvious for a second setting dependent on a first setting in order to facilitate time management efficiency during setting changes.

For claim 60, Meier discloses transitioning is performed by adjusting a bandwidth of a filter (pg 3, Ins 1-5; pg 4, Ins 28-37; Fig. 1, item 64).

For claim 61, transitioning is performed by changing a path of the second received signal compared to the first received signal (pg 4, Ins 1-9; Fig. 1, items 50, 50a).

For claim 62, the signal path includes a first filter (LC circuit; Fig. 1, item 26), and transitioning routes the signal through a second filter (LC circuit; Fig. 1, item 34).

6. Claims 63, 64, 67, 68-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (EP 0 681 192).

For claim 63, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above.

For claim 64, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 2 as stated above.

For claim 67, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 5 as stated above.

For claim 68, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 6 as stated above.

For claim 70, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 8 as stated above.

For claim 71, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 9 as stated above.

For claim 72, the claim is interpreted and rejected for the same reasons as stated in the rejection of claim 10 as stated above.

7. Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (EP 0 681 192) as applied to claim 64 above, and further in view of Marneweck et al. (US 2001/0010491).

The claims are interpreted and rejected for the same reasons as stated in the rejection of claims 3 and 4 as stated above.

8. Claim 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (EP 0 681 192) as applied to claim 64 above, and further in view of Trontelj (US 6,208,235).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 7 as stated above.

Allowable Subject Matter

9. Claims 11-21, 44-51, 55-59, 73-83 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Duron (US 2005/0104790) disclose RFID tags that receive multiple frequencies via selectable backscatter parameters.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

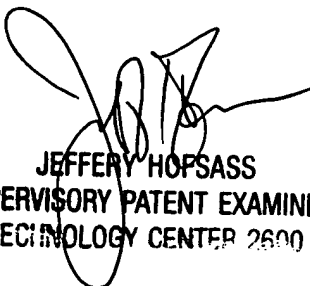
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass, can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 2636

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Mehmood
February 8, 2006



JEFFERY HOPSASS
SUPERVISORY PATENT EXAMINER
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